

Exhibit 2

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 Case No. 1:18-CF-05025-JMF

4 -----x
NEW YORK IMMIGRATION COALITION, ET AL.,

5 Plaintiffs,

6
7 - against -

8
9 UNITED STATES DEPARTMENT OF COMMERCE,
10 ET AL.,

11 Defendants.

-----x

12 August 24, 2018
13 9:07 a.m.

Global
objection:
401, 403

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15 Videotaped Deposition of WENDY
16 TERAMOTO, taken by Plaintiffs, pursuant to
17 Notice, held at the offices of Arnold &
18 Porter Kaye Scholer LLP, 250 West 55th
19 Street, New York, New York, before Todd
20 DeSimone, a Registered Professional
21 Reporter and Notary Public of the State of
22 New York.

23 VERITEXT LEGAL SOLUTIONS
24 MID-ATLANTIC REGION

25 **REDACTED**

REDACTED

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1 A P P E A R A N C E S : (Continued)
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9 ALSO PRESENT:

10 CARLOS KING, Videographer

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I N D E X

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1 DIRECTIONS NOT TO ANSWER

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6 REQUESTS

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1 THE VIDEOGRAPHER: Good morning.
2 We are going on the record at 9:07 a.m. on
3 August 24th, 2018.

4 Please note that the
5 microphones are sensitive and may pick up
6 whispering, private conversations and
7 cellular interference. Please turn off all
8 cell phones or place them away from the
9 microphones as they can interfere with the
10 deposition audio. Audio and video
11 recording will continue to take place
12 unless all parties agree to go off the
13 record.

14 This is media unit number one
15 of the video-recorded deposition of Wendy
16 Teramoto taken by counsel for plaintiffs in
17 the matter of New York Immigration
18 Coalition, et al., versus United States
19 Department of Commerce, et al., filed in
20 the United States District Court, Southern
21 District of New York, case number
22 1:18-CF-05025-JMF. This deposition is
23 being held at the offices of Arnold &
24 Porter located at 250 West 55th Street, New
25 York, New York.

REDACTED

1 My name is Carlos King from the
2 firm of Veritext and I am the videographer.
3 The court reporter is Todd DeSimone also
4 from Veritext. I'm not authorized to
5 administer an oath, I'm not related to any
6 party in this action, nor am I financially
7 interested in the outcome.

8 All appearances will be noted
9 on the steno record. Will the court
10 reporter please swear in the witness.

11 * * *

12 W E N D Y T E R A M O T O,
13 called as a witness, having been first duly
14 sworn, was examined and testified
15 as follows:

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Q. All right. When did you first

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1 hear about the notion of adding a question
2 about citizenship to the census?

3 A. I just don't remember.

4 Q. Is there any way you would be
5 able to date that?

6 A. No.

7 Q. Is there any kind of document
8 that you remember as -- well, withdrawn.

9 How did you first hear about
10 the notion of adding a citizenship question
11 to the census?

12 A. I don't remember.

13 Q. Would that be reflected in any
14 documents?

15 A. Not that I would be aware of.

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15 Do you remember that there was
16 a time when the question of adding a
17 citizenship question to the census came up?

18 MS. WELLS: I object to form.

19 A. I don't remember a specific
20 conversation or meeting where it came up.
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Q. Did you undertake any tasks related to trying to get a citizenship question put on the census?

A. Did I personally? No.

Q. None whatsoever?

A. Did I ever -- I guess I'm a little confused. You are asking if I did anything for the citizenship question?

Q. I'm asking if you did anything to try and help get a citizenship question put on the census.

A. No.

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Q. For the record, this is Bates stamped 3699. It is an e-mail thread, the top one of which states that it is from Secretary Ross sent May 2nd, 2017 to Wendy Teramoto, "Re: Census."

Take a moment to read this, I think most of it is blacked out, and let me know when you've had a chance to do that.

(Witness perusing document.)

A. Okay.

Q. Ms. Teramoto, let me direct you to the middle of the document where it says "Begin Forwarded Message: From: Alexander, Brooke, To: Wendy Teramoto."

Do you see that?

A. Uh-huh. Yes, sir.

Q. So this appears that she is forwarding a message, and then the message

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1 that she appears to be forwarding is headed
2 Original Message from Wilbur Ross to Earl
3 Comstock and Ellen Herbst.

4 You see that, right?

5 A. Correct. I'm not on the
6 original e-mail.

7 Q. Correct.

8 And then Secretary Ross has
9 written "Worst of all, they emphasize they
10 have settled with Congress on the questions
11 to be asked. I am mystified why nothing
12 have been done in response to my months old
13 request that we include the citizenship
14 question. Why not?"

15 All right, this question
16 appears to have been forwarded to you May
17 2nd, 2017. Do you remember that?

18 A. I don't -- I don't remember
19 receiving it.

20 Q. Do you deny receiving it?

21 A. No.

22 Q. And then above the forwarding
23 part, there is a message that says "Wendy
24 Teramoto wrote: I continue to talk
25 frequently with Marc Neumann and we often

REDACTED

1 have dinner together. He will not leave
2 les, but is in love with the census and
3 talks about it nonstop. Do you want me to
4 set up another meeting? Let me know if you
5 want to have a drink or get together over
6 the weekend."

7 Then Secretary Ross has written
8 in response to you, "Let's try to stick him
9 in there for a few days to fact-find."

10 Do you see that?

11 A. Yes, sir.

12 Q. So you would have received this
13 at the beginning of May, and the message
14 that is forwarded to you has Secretary Ross
15 complaining that nothing has been done in
16 response to his months-old request that we
17 include a citizenship question.

18 Does this help you remember
19 that you had some involvement in getting
20 the citizenship question on the census?

21 A. No.

22 MS. WELLS: Objection to form.

23 A. Well, wait a minute. First of
24 all, this is -- this is two sentences out
25 of an e-mail that I have no idea what else

REDACTED

1 was said. It is titled Census.

2 So this has -- I mean, just
3 because, you know, for you to imply that
4 because I had suggested he set up a meeting
5 or talk to somebody who worked on the
6 transition team for census has nothing to
7 do with, in my eyes, the citizenship
8 question. It has to do with the census as
9 a whole.

10 Q. Ms. Teramoto, you started
11 earlier in your answer referencing that
12 there were things in the message that you
13 can't read.

14 Do you understand that it is
15 the government lawyers who have blocked
16 that information out?

17 A. Between all the lawyers, I
18 mean, you know, it's not -- I'm not part of
19 the process of what is shown or what's not.
20 I know that they follow the rules and
21 regulations of what they are supposed to
22 do.

23 Q. My question is, do you
24 understand that it is the government
25 lawyers who have blocked that information

REDACTED

1 out that you say you can't read on here?

2 A. If that's what you are telling
3 me, I have no reason to believe that it's
4 not true.

5 Q. All right. When Secretary Ross
6 says "I'm mystified why nothing have been
7 done in response to my months old request,"
8 why did Secretary Ross request as of
9 several months apparently before May 2nd,
10 2017, why did he request that a citizenship
11 question be included on the census?

12 A. I have no idea. I mean, as you
13 have correctly pointed out, this was in
14 May. I didn't write the e-mail and I
15 wasn't even -- he didn't even send it to
16 me.

17 Q. I take it your testimony is
18 that Secretary Ross never told you the
19 reason that he made such a request?

20 A. I have never asked.

21 Q. That's not my question. Did he
22 ever tell you?

23 A. No.

24 Q. Did you ever learn to whom he
25 made that request?

REDACTED

1 A. Of what?

2 Q. The request to add a
3 citizenship question.

4 MS. WELLS: I object to form.

5 A. I guess I'm confused. Can you
6 please repeat the question?

7 Q. Certainly.

8 He says he "made a months old
9 request that we include a citizenship
10 question." Did you ever learn to whom he
11 made the request?

12 A. I have no idea.

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REDACTED

18 Who is Marc Neumann?

19 A. So Marc Neumann was somebody
20 that I met on the transition team who had
21 worked at Census before.

22 Q. And did you discuss the
23 citizenship question with Marc Neumann?

24 A. Did I?

25 Q. Yes.

REDACTED

1 A. Not that I remember.

Pl. objection: 611(a) -
nonresponsive

2 Q. And --

3 A. Again, a lot of the census
4 focus was on the budget and how are you
5 going to properly ramp up half a million
6 employees in such a short amount of time.

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3 Q. Did you ever speak with Marc
4 Neumann about the citizenship question?

5 A. Not that I remember.

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20 Q. All right. So there is an
21 e-mail from Kris Kobach to you, July 21, in
22 which he says -- he references meeting you
23 on the phone this afternoon.

24 Do you recall speaking with
25 Kris Kobach?

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1 A. Not at all.

2 Q. You don't deny speaking with
3 him?

4 A. I think you asked me if I
5 remember. I don't remember talking to him.

6 Q. This is a different question.
7 You don't deny speaking with
8 him?

9 A. Given this e-mail, I would
10 assume that I spoke to him, but I don't
11 remember ever speaking to him.

12 Q. All right. And he asks --
13 withdrawn.

14 He says that he had sent an
15 e-mail to Secretary Ross and he attaches it
16 here. You see that, correct?

17 A. Well, I see his e-mail to me
18 says "Below is the e-mail that I sent to
19 Secretary Ross."

20 Q. Okay.

21 A. So I assume however this is
22 produced, it would have been this e-mail.

23 Q. All right. And one of the
24 things that the e-mail that Kris Kobach
25 forwards to you, one of the things in it is

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1 the statement "It is essential that one
2 simple question be added to the upcoming
3 2020 census," that's the first sentence of
4 the second paragraph of this forwarded
5 e-mail; do you see that?

6 A. The second -- the first
7 sentence of the second paragraph that Kris
8 Kobach sent to, I believe it is Secretary
9 Ross, but I can't say his -- there is no
10 e-mail address -- says "It is essential
11 that one simple question be added to the
12 upcoming 2020 census."

13 Q. All right. When you spoke with
14 Kris Kobach, didn't he talk to you about
15 adding a citizenship question to the
16 census?

17 A. Again, I have no recollection
18 ever speaking to him.

19 Q. Who did you understand Kris
20 Kobach to be at the time?

21 A. I had no idea.

22 Q. Do you typically set up
23 meetings with the Secretary or calls with
24 the Secretary to people -- with people you
25 have no idea who they are?

REDACTED

1 A. You asked me, sir, if at the
2 time if I knew who Kris Kobach was, and I
3 said I didn't.

4 Q. Correct. I have asked you a
5 different question now.

6 A. Okay. Could you please repeat
7 it?

8 Q. My question is, would you
9 typically set up a call for the Secretary
10 with somebody who you didn't know anything
11 about who they were?

12 A. Well, no.

13 Q. Why did you do so on this
14 occasion?

15 A. Here it looks as though he
16 forwarded to me and told me who he was.

17 Q. Okay. And why did you set up a
18 call with him with the Secretary?

19 A. At this point in time, I don't
20 remember.

21 Q. It had to do with the
22 citizenship question, didn't it?

23 A. He had sent an e-mail
24 requesting a call, and I don't remember,
25 well, it looks like I set it up, so, you

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1 know --

2 Q. Ms. Teramoto, my question is
3 simply, the call that you set up, that was
4 for the purpose of discussing the
5 citizenship question, correct?

6 A. It was -- I would have set up
7 the call because somebody had asked for a
8 call with the Secretary.

9 Q. Didn't you set it up for the
10 Secretary in part because it was about the
11 citizenship question?

12 A. I would have set up the call
13 because somebody had asked for the call
14 with the Secretary. It wouldn't be
15 specifically because of a certain question.

16 Q. You wouldn't set up a call for
17 anyone who asks for a call with the
18 Secretary, would you?

19 A. If there is somebody who wants
20 to speak to the Secretary and it seems like
21 it is something that he would want to talk
22 about, then I would set it up.

23 Q. So I take it he would, in your
24 mind, he would have wanted to talk about
25 the citizenship question?

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1 A. I would have set up the call if
2 somebody like this would have asked for a
3 call with the Secretary, so if another
4 Secretary of State had asked for some call
5 with the Secretary, I would have tried to
6 facilitate that.

7 Q. Wouldn't you have told the
8 Secretary what the topic of the call was?

9 MS. WELLS: I object to the
10 form.

11 A. It depends.

12 Q. Wouldn't you have told him what
13 the topic of this call was?

14 MS. WELLS: I object to the
15 form.

16 A. Somebody would have told him
17 what the topic was.

18 Q. In this time period, July 2017,
19 and earlier, hadn't you heard talk like
20 this before that it is essential that the
21 citizenship question be added to the
22 census?

23 A. I don't remember anything
24 specific.

25 Again, sir, I was not involved

REDACTED

1 in the day-to-day workings of the census.
2 I think that's also demonstrated by the
3 fact that I wasn't -- I don't remember ever
4 being on this call, and it doesn't look
5 like when I set it up, I had any intention
6 of being on that call.

7 Q. In his e-mail to you, Kris
8 Kobach also said that when he spoke to the
9 Secretary, he did so at the direction of
10 Steve Bannon.

11 Steve Bannon worked in the
12 White House, correct?

13 A. Yes.

14 Q. Did you ever talk to Steve
15 Bannon about the census?

16 A. Never.

17 Q. Did you ever set up a call for
18 the Secretary and Steve Bannon about the
19 census?

20 A. No.

21 Q. Would there be notes of the
22 Secretary's conversation with Kris Kobach?

23 A. I have no idea, sir, because I
24 wasn't part of that call.

25 Q. Were there -- but as his chief

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1 Q. All right. You have read it.

2 You see, I take it, that
3 Mr. Comstock has written the Secretary that
4 he is enclosing a draft memo on the
5 citizenship question, and then that e-mail
6 has found its way to you because you are on
7 this chain, correct?

8 A. I believe so. Again, I know,
9 sir, it's not your fault, but I find it
10 just tricky to follow the e-mail chains,
11 because, again, here we have an e-mail from
12 Earl Comstock, and it's, you know,
13 addressed to the Secretary, so I assume he
14 e-mailed it to the Secretary. I just can't
15 see it.

16 Q. All right. In any event, you
17 respond to Mr. Comstock, CC to the
18 Secretary, that "Peter Davidson and Karen
19 Dunn Kelley will both be here Monday.
20 Let's spend 15 minutes together and sort
21 this out. W."

22 A. Sure.

23 Q. And this is on the memo on the
24 citizenship question?

25 A. Sure.

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1 Q. So it appears that you had some
2 involvement with the citizenship question,
3 correct?

4 A. If setting up a meeting -- it
5 looks like I set up a meeting for them. I
6 don't ever remember being at that meeting.

7 Q. All right, thank you for that.

8 But it does suggest -- am I
9 reading it right when it suggests that you
10 are going to participate in this meeting?
11 "Let's spend 15 minutes together and sort
12 this out."

13 MS. WELLS: Objection to form.

14 A. No.

15 Q. You don't read that as saying
16 you would participate in the meeting?

17 MS. WELLS: I object to the
18 form.

19 A. When I say "let's," it doesn't
20 mean I always join the meetings. Let's
21 have the group get together.

22 Q. All right. I'm sorry, finish
23 your answer.

24 A. I don't remember -- I don't
25 remember ever participating in this

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1 meeting.

2 Q. If there was such a meeting,
3 would you have typically put it on your
4 calendar if you were participating?

5 A. If there was such a meeting?
6 No, I mean, again, again, I did not
7 participate in very many census meetings at
8 all.

9 Q. Is it your testimony that you
10 did not participate in this meeting?

11 A. My testimony is that I don't
12 remember being in a meeting with Peter
13 Davidson and Karen Dunn Kelley specifically
14 talking about the census memo.

15 Q. Do you have an understanding as
16 to why this is coming to you if you have no
17 involvement with the citizenship question?

18 A. Sure. People CC me on things.

19 Q. Why are you the one setting up
20 the meeting?

21 A. Probably because I said people
22 should get together and discuss it.

23 Q. Why do they need you to do
24 that? Why can't they do that without you?

25 A. I'm sure they can.

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1 Q. You agree that someone would
2 have had to forward Earl Comstock's
3 original e-mail to the Secretary about this
4 to you for you to be setting up the
5 meeting?

6 A. Somebody would have had to
7 forward -- I'm sorry, can you say that
8 again?

9 Q. Yeah. For you to be setting up
10 this meeting and for you to have a copy of
11 Earl Comstock's e-mail to the Secretary
12 about the citizenship question memo,
13 someone would have had to forward you that
14 e-mail?

15 A. Sir, that's the exact thing I
16 was telling to you earlier, is that the way
17 these are laid out, I know it is not your
18 fault, it is just confusing. I don't know
19 if it was forwarded or if I was CC'd on it.

20 And I can't tell, you know,
21 who -- I mean, it says that it is what Earl
22 Comstock wrote, but I don't see who he sent
23 it to, so I share your frustration.

24 Q. You don't deny getting a copy
25 of Earl Comstock's e-mail to Secretary

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1 Ross, do you?

2 A. Again, from what I can see
3 here, it looks as though I was either
4 forwarded or CC'd it. I don't know. I'm
5 guessing like you are, sir.

6 Q. My question was a little more
7 specific.

8 You don't deny receiving a copy
9 of Earl Comstock's e-mail at the bottom of
10 that page --

11 MS. WELLS: I object to the
12 form.

13 Q. -- saying that he has got a
14 memo for the Secretary about the
15 citizenship question?

16 MS. WELLS: Objection to form.

17 A. My best guess, sir, is that it
18 was sent to my e-mail.

19 Q. Thank you.

20 Let's mark this as Teramoto
21 Exhibit No. 5. It is a two-page document
22 Bates stamped 1411 and 1412.

23 (Teramoto Exhibit 5 marked for
24 identification.)

25 Q. All right. You have in front

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1 of you what has been marked as Exhibit 5.

2 My first question is going to
3 go to what is on the second page, that is
4 the first e-mail in the thread, which says
5 it is sent from Peter Davidson August 29,
6 2017, to Israel Hernandez, Earl Comstock,
7 James Uthmeier, CC'd to you, and it says
8 "The Secretary asked to set up a briefing
9 on some of the legal questions he is
10 concerned with." The subject is the
11 Census. And it goes on.

12 Do you know why this was CC'd
13 to you?

14 A. Sir, can I read the e-mail,
15 please?

16 Q. Sure.

17 A. Thanks.

18 (Witness perusing document.)

19 A. Okay. Could you please repeat
20 your question, sir?

21 Q. Do you know why this was CC'd
22 to you?

23 A. Probably for situational
24 awareness or seeing if when he had time on
25 his calendar.

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1 Q. All right. And then --

2 A. Because this is, again, I was
3 only CC'd, this isn't even to me.

4 Q. Understood.

5 A. Okay.

6 Q. Then the scheduler, who at the
7 time, who is Chelsey Neuhaus, she sends
8 around an e-mail August 29, 2017, this is
9 on the first page, that says "Would one of
10 you be able to confirm that these are the
11 only attendees that should be included in
12 next Wednesday's census briefing."

13 Do you see that?

14 A. Yes, sir.

15 Q. The first name of the people to
16 be included is you, right?

17 A. Yes, sir.

18 Q. You participated in this
19 briefing; is that right?

20 A. Not that I'm aware of.

21 Q. Do you deny that you
22 participated in this meeting?

23 A. I don't remember attending this
24 meeting. And just so you understand, sir,
25 they usually include me as an attendee for

Pl. Objection -
611(a) - non
responsive

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1 every single meeting of the Secretary.

2 Many of them I don't attend.

3 Q. Okay. I understand you saying
4 that you don't recall.

5 My question is, as you sit here
6 today, do you deny attending this meeting?

7 A. As I sit here today, I don't
8 remember going to this and I highly doubt
9 that I went to it. Again, I was not
10 involved in the day-to-day interactions on
11 the census.

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Q. Sure. Did you provide any information to Secretary Ross to assist him in arriving at his decision to add the citizenship question?

MS. WELLS: I will say asked
and answered again.

A. Okay, thank you.

I certainly did not create any information to give to the Secretary relating to the citizenship question.

Q. Let's have this marked as Teramoto Exhibit 6.

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21 Q. Did you learn that, through the
22 course of 2017, either directly from the
23 Secretary or from other people who worked
24 at Commerce, that the Secretary was very
25 interested in adding a census question --

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1 I'm sorry, a citizenship question to the
2 census?

3 MS. WELLS: I object to form.

4 A. Did I learn throughout 2017?

5 Q. During 2017.

6 A. It is hard for me to say very
7 interested. It clearly was a topic that
8 had come up.

9 Q. Did you learn that it was a
10 matter of importance for him?

11 A. I don't know how to engage
12 matter of importance. There is a lot of
13 things that are important to him.

14 The budget on census, I
15 remember that being extremely important to
16 him. I remember --

17 Q. Wasn't the -- I'm sorry, go
18 ahead.

19 A. -- spending time trying to
20 figure out how we are going to ramp up the
21 employment for census. I remember those.

22 Q. Wasn't the citizenship question
23 important to Secretary Ross?

24 MS. WELLS: I object to the
25 form.

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1 A. Again, I can't answer, sir,
2 what is or is not important to the
3 Secretary.

4 Q. Who could?

5 A. The Secretary.

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9 Q. Did you discuss -- did you have
10 discussions with Mr. Comstock about the
11 citizenship question in connection with
12 this e-mail or for any reason on or about
13 September 16th, 2017?

14 A. I don't believe so.

15 Q. And when I say on or about, I
16 mean the day before, the day after. You
17 don't believe you had any discussions with
18 him?

19 A. I don't believe I actually read
20 the memo.

21 Q. Why do you think that?

22 A. Because I wasn't involved with
23 the census.

24 Q. You had no involvement as far
25 as you could tell?

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1 A. Very limited involvement.

2 Q. Didn't you have involvement on
3 the citizenship question on or about
4 September 16, 2017, and isn't that why he
5 is sending you this e-mail?

6 MS. WELLS: I object to the
7 form.

8 A. No. Again, as I've said, I'm
9 copied or sent things for my situational
10 awareness. I don't know if receiving an
11 e-mail constitutes being involved.

12 Q. And you did nothing with
13 respect to the citizenship question in this
14 time frame?

15 MS. WELLS: Objection, form,
16 asked and answered.

17 A. I don't remember receiving this
18 e-mail. I don't remember reading this
19 e-mail. And I certainly don't recall ever
20 having a discussion specifically on this
21 e-mail train with Earl Comstock around
22 September.

23 Q. You didn't ask Mr. Comstock
24 what's the latest on the citizenship
25 question, what's DOJ doing on the

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1 citizenship question, anything like that?

2 MS. WELLS: I object to form.

3 A. Not that I remember.

4 Again, I'm CC'd on a lot of

5 things. Just because I received the e-mail

6 does not mean that, A, I read it, and B, I

7 then get involved in it. There is too much

8 stuff going on at Commerce.

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22 You did have a call with

23 Mr. Gore, didn't you?

24 MS. WELLS: I object to the

25 form.

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1 A. I believe so, but I don't
2 remember.

3 Q. And the call was about the
4 citizenship question, wasn't it?

5 MS. WELLS: I object to form.

6 A. I don't remember.

7 Q. Let's have this marked as
8 Exhibit 9.

9 (Teramoto Exhibit 9 marked for
10 identification.)

11 Q. For the record, Exhibit 9 is a
12 two-page exhibit Bates stamped 2651 and 52,
13 the top of which is headed with an e-mail
14 from Danielle Cutrona to Wendy Teramoto,
15 "Re: Call."

16 A. Would you like me to read it,
17 sir?

18 Q. Let me ask you a question and
19 then you can read whatever you need to to
20 answer it.

21 Ms. Teramoto, you will see at
22 the beginning of this e-mail, at the bottom
23 of 2652, is Mr. Gore's e-mail introducing
24 you, and then at the very bottom -- and
25 there is an e-mail thread.

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1 At the very bottom of 2651, he
2 says to you "By this e-mail, I introduce
3 you to Danielle Cutrona from DOJ. Danielle
4 is the person to connect with about the
5 issue we discussed earlier this afternoon."

6 Take a look at the e-mail. The
7 question I have for you is, I take it you
8 spoke with Acting Assistant Attorney
9 General Gore?

10 MS. WELLS: I'm going to object
11 to the form.

12 (Witness perusing document.)

13 A. Okay. I'm sorry, sir, what was
14 your question?

15 Q. My question was, I take it you
16 spoke to Assistant Attorney General Gore?

17 MS. WELLS: Objection to form.

18 A. I don't remember speaking to
19 him.

20 The e-mail that he sent to me
21 said Danielle is the person to connect with
22 about the issue we discussed earlier this
23 afternoon. So I have no reason to believe
24 that I did not talk to him, but I don't
25 remember speaking to him.

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1 Q. Understood. And the issue that
2 you spoke with Assistant Attorney General
3 Gore about, that was about the citizenship
4 issue; is that correct?

5 MS. WELLS: I object to the
6 form.

7 A. Again, I don't remember -- I
8 don't remember speaking to John Gore.

9 Q. Higher up on the page, 602
10 September 17, 2017 at 12:10, Ms. Cutrona
11 e-mails you that "the Attorney General is
12 available on his cell," and then she goes
13 on to say "the AG is eager to assist."

14 Wasn't that in connection with
15 the citizenship question?

16 MS. WELLS: I object to the
17 form, lack of foundation.

18 A. I mean, I didn't -- I didn't
19 write the e-mail. You would have to ask
20 Danielle Cutrona.

21 Q. You were the recipient of the
22 e-mail; is that correct?

23 A. Well, it says to me. Again, I
24 can't see how these e-mails are sent to,
25 but I have no reason to believe I didn't

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1 receive this e-mail.

2 Q. It says "Wendy," comma, at the
3 beginning of the e-mail, right? You are
4 the recipient?

5 A. Again, I agree with you, I'm a
6 Wendy. It is just frustrating that you
7 can't see who is actually -- these are
8 addressed to. I have no reason to believe
9 I didn't receive this.

10 Q. All right. And in this period
11 of time, September 18th, 2017, you would
12 have been chief of staff for the Secretary
13 of Commerce, right?

14 A. Yes.

15 Q. And you knew that the AG was 602
16 eager to assist with respect to the
17 citizenship question, didn't you?

18 MS. WELLS: I object to form,
19 mischaracterizes her testimony.

20 A. You would have to ask Danielle
21 Cutrona, because she is the one who wrote
22 this e-mail.

23 Q. Didn't you learn that the
24 Secretary -- I'm sorry, didn't you learn
25 that the Attorney General of the United

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1 States wanted to assist with respect to the
2 citizenship question?

3 MS. WELLS: I object to the
4 form, asked and answered.

5 A. Again, I didn't write the
6 e-mail. I'm reading the exact same e-mail
7 that you are.

8 Q. My question has nothing to do
9 with the e-mail now.

10 Didn't you learn that the
11 Attorney General of the United States
12 wanted to assist Secretary Ross with
13 respect to adding a citizenship question?

14 MS. WELLS: I object to form.

15 A. Sir, I'm reading the same
16 e-mail that you are. I don't see in here
17 that it says the citizenship question. It
18 says "the AG is eager to assist." I have
19 no idea what else the Secretary and the AG
20 may or may not have been working on.

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Q. Sure. Whether or not you recall speaking to the Attorney General, you knew that the Attorney General of the United States and Secretary Ross were working together to add a citizenship question to the census, didn't you?

MS. WELLS: I object to form.

A. I was not part of discussions between the Attorney General and Secretary Ross.

Q. Do you have that understanding from any source?

MS. WELLS: I object to the form.

Q. You've got to answer that.

A. Do I have -- could you repeat it, please?

Q. Yeah. I have been asking you didn't you know that Secretary Ross and the

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1 Attorney General were working together to
2 add a citizenship question to the census,
3 and I understood you to say that you don't
4 remember being in discussions with them.

5 A. Right.

6 Q. And so my question is, did you
7 learn this from any source, whether you
8 were in discussions with them or not?

9 A. I don't remember any specific
10 discussions from others.

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20 Q. And that e-mail is September
21 18th, 2017. Let's mark this as Teramoto
22 Exhibit 10.

23 (Teramoto Exhibit 10 marked for
24 identification.)

25 Q. For the record, this is an

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1 exhibit Bates stamped 2528. It is a single
2 page and it is an e-mail from Wilbur Ross
3 to Peter Davidson, "Subject: Census."

4 It contains a single line of
5 text which reads as follows: "Wendy and I
6 spoke with the AG yesterday. Please follow
7 up so we can resolve this issue today.
8 WLR."

9 Didn't you and Secretary Ross
10 speak to the Attorney General on September
11 18th, 2017?

12 MS. WELLS: I object to form.

13 A. I don't remember being a part
14 of that call at all.

15 Q. Do you deny being part of the
16 call?

17 A. I said I don't remember being a
18 part of that call. I remember calls with
19 different cabinet members. I don't ever
20 remember being on a call with the AG.

21 Q. Can you think of any reason why
22 Mr. Ross would get this wrong just a day
23 after the call?

24 MS. WELLS: I object to form.

25 A. You would have to ask him, but

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1 I don't remember being on the call with the
2 AG.

3 Q. Do you have any reason to
4 believe Mr. Ross would make up the fact
5 that you were on the call with him and the
6 Attorney General on or about September
7 18th, 2017?

8 MS. WELLS: I object to form.

9 A. You would have to ask him.
10 Again, I don't remember being on the call
11 with the AG.

12 Q. "Him" being Secretary Ross?

13 MS. WELLS: I object to the
14 form.

15 A. I don't remember being on a
16 call with the AG.

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4 Q. Well, I'm asking about a
5 conversation that you had with Mr. Gore.
6 Presumably she is referencing that
7 conversation.

8 Didn't you have a discussion
9 with Mr. Gore about what you at Commerce
10 needed them at DOJ to do?

11 MS. WELLS: I object to form.

12 Q. Wasn't that the purpose of the
13 call with Mr. Gore?

14 MS. WELLS: I object to the
15 form.

16 A. I think what I testified
17 earlier is I don't remember talking to John
18 Gore, and I still don't remember talking to
19 John Gore.

20 Q. Let's have this marked Teramoto
21 Exhibit 11.

22 (Teramoto Exhibit 11 marked for
23 identification.)

24 Q. All right. For the record,
25 this is a three-page exhibit. It is 2636

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1 through 2638. It includes much of the
2 e-mail chain between Mr. Gore,
3 Ms. Teramoto, and Ms. Cutrona that we have
4 seen before.

5 My question is going to have to
6 do with the e-mail at the very top of this
7 chain in which someone who the government
8 tells me is you e-mails Mr. Gore and says
9 "Hi. AG and Sec spoke. Please let me know
10 when you have a minute."

11 You understand that you are the
12 sender of this e-mail, correct?

13 A. I mean, I can't see the address
14 either.

15 Q. The government has represented
16 that you are the sender.

17 A. Okay. Then okay.

18 Q. Do you accept their
19 representation?

20 A. Sure.

21 Q. So when you write "Hi. AG and
22 Sec" -- first of all, Sec means Secretary
23 Ross, right?

24 A. Sure.

25 Q. So "the Attorney General and

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1 Secretary spoke. Please let me know when
2 you have a minute."

3 So certainly you know that the
4 Attorney General Sessions and Secretary
5 Ross had a conversation because you are
6 reporting that, correct?

7 MS. WELLS: I object to the
8 form. But go ahead.

9 A. My e-mail said the AG and
10 Secretary spoke, so I must have known that
11 they spoke.

12 Q. And then you say "Please let me
13 know when you have a minute."

14 Did you call -- didn't you call
15 Assistant Attorney General John Gore?

16 A. Again, to this day, again, I
17 don't ever remember speaking to him on the
18 phone.

19 Q. All right. But certainly as
20 the author of this e-mail, you would read
21 this that way, that, in other words, you
22 would read this e-mail as saying you want a
23 call with Assistant Attorney General Gore?

24 MS. WELLS: Objection to form.

25 A. Again, this is, you know, an

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1 e-mail from a year ago that I'm reading to
2 you that I must have written saying "Hi.
3 AG and Sec spoke. Please let me know when
4 you have a minute."

5 Q. Right. My question to you is,
6 don't you understand that to be a request
7 for Mr. Gore to speak with you further or
8 request by you saying you would like to
9 speak with him further?

10 MS. WELLS: I object to form.

11 A. When I read this, it would be,
12 you know, let me know when you have a
13 minute.

14 Q. So that you can speak with him,
15 right?

16 MS. WELLS: I object to form.

17 A. Sure.

18 Q. And what did you speak with him
19 about?

20 A. Again, I don't ever remember
21 speaking to John Gore.

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3 Q. I hear you on that, which is

4 why I'm asking, so if you're not the best

5 person to be involved, why is it that the

6 documents make it seem like you were

7 involved in speaking to the Assistant

8 Attorney General of the United States about

9 this, the Acting Assistant Attorney

10 General, and the Attorney General of the

11 United States?

12 MS. WELLS: I object to form.

13 A. You are asking me. I think you

14 have to ask John Gore why he reached out to

15 me. I can't answer why John Gore reached

16 out to Wendy Teramoto.

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Congress having received this June 21, 2018 memorandum from Secretary Ross, you remember that they accused Secretary Ross of having given them misleading testimony; is that right?

MS. WELLS: I object to the form.

A. Again, I've heard that, but I haven't actually read if there has been correspondence. I have not read any direct correspondence.

Q. I'm curious, you are the chief of staff. If members of Congress, and this is multiple members of Congress, accuse the Secretary of not being candid with them in sworn testimony, that's not something you want to read?

REDACTED

1 MS. WELLS: I object to the
2 form.

3 Q. You don't say to somebody, get
4 me that letter from Congress?

5 MS. WELLS: I object to the
6 form. Go ahead.

7 A. There are many important
8 letters and correspondence throughout all
9 of the different departments in Commerce.
10 I'm not physically able to read every
11 single one, I'm just not, sir.

12 Q. I believe that. But when you
13 hear that members of Congress have written
14 a letter accusing the Secretary of not
15 being candid with them, you don't say to
16 somebody I would like to see a copy of that
17 letter?

18 A. No.

19 Q. Have I got that right? No?

20 MS. WELLS: I object to the
21 form. Asked and answered.

22 A. That's correct.

23 Q. It doesn't appear to be showing
24 up on the transcript. I heard you to say
25 no. Did I hear that right?

REDACTED

1 MS. WELLS: I object to the
2 form, and it also mischaracterizes the
3 testimony, I believe.

4 Q. I'm characterizing the
5 transcript, which I'm looking at.

6 A. I have not specifically asked
7 for this letter that you're talking about.

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21 Sort of almost halfway down the
22 first paragraph of Teramoto Exhibit 1,
23 Secretary Ross says that with respect to
24 the fundamental issues regarding the
25 census, he says "Part of these

REDACTED

1 considerations included whether to
2 reinstate a citizenship question which
3 other senior Administration officials had
4 previously raised."

5 Do you know who the other
6 senior Administration officials are?

7 A. I have no idea.

8 Q. Who would know?

9 A. You would have to ask Secretary
10 Ross.

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20 Q. Can you think of any reason why
21 the identity of the senior Administration
22 officials who had raised the citizenship
23 question to whom Mr. Ross refers, can you
24 think of any reason why this is secret or
25 why we can't know the answer to who those

REDACTED

1 people are?

2 MS. WELLS: I object to form.

3 A. I have no idea.

4 Q. I take it you have not heard
5 any discussion of that issue?

6 A. Of the issue of the senior
7 Administration officials?

8 Q. Yeah.

9 A. Right, I have not.

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So I'm asking, have you seen any documents, any memoranda, any e-mail, scraps of paper, what have you, about the Secretary's consideration of whether to reinstate a citizenship question? Have you seen any such documents?

A. Outside of what you provided me here?

Q. Correct.

A. No.

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21 Q. You haven't heard about that

22 from any source?

23 A. Heard about what?

24 Q. That Secretary Ross went to the

25 Department of Justice and asked the

REDACTED

1 Department of Justice to please request the
2 addition of a citizenship question.

3 A. I have no recollection of the
4 Secretary ever going to the Department of
5 Justice.

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16 You understand that Attorney
17 General Jeff Sessions spoke to Secretary
18 Ross about asking a citizenship question on
19 the census?

20 MS. WELLS: I object to the
21 question, the form of the question.

22 A. From the e-mails, I can see
23 that the Secretary and the AG spoke. What
24 they spoke about, I don't know, because, as
25 I said, I have no recollection of ever

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1 being on a call between the two of them.

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16 Q. So the first part was, did you
17 learn from any source; you are with me on
18 that, right?

19 A. Yes.

20 Q. And the second part was that
21 the Commerce Department didn't want the
22 Congress or the public to know that it was
23 Secretary Ross who went to the Department
24 of Justice and asked the Department of
25 Justice to request the citizenship

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1 question.

2 A. I have not heard from any
3 source that the Commerce Department did not
4 want Congress or the public to know.

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6 REDACTED
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11 Q. I take it Secretary Ross never
12 said to you, in words or in substance, I'm
13 not going to tell Congress that I was the
14 one who went to the Department of Justice
15 and asked for the citizenship question?

16 A. Secretary Ross has never said
17 that to me.

18 Q. Do you remember any discussion
19 with Secretary Ross about the citizenship
20 question?

21 A. I don't remember having any
22 direct conversations with him on it.

23 Q. Is it your best recollection
24 that you had no such conversations, or are
25 you saying there were, but you don't

REDACTED

1 recall?

2 A. I'm saying I don't remember
3 having any direct conversations with the
4 Secretary on the question.

5 Q. Do you believe that you had
6 some?

7 A. Again, I don't remember having
8 any direct conversations with him on the
9 citizenship question.

10 Q. My question is a little
11 different. I'm not asking for your memory
12 now.

13 I'm asking for whether you
14 think you had some, for example, I can
15 think of lots of conversations that I have
16 had with my spouse, with my children, on
17 certain subjects, but I can't remember the
18 conversations, I just know I had them.

19 So I'm asking in that context,
20 do you believe you had conversations
21 with --

22 A. I don't think we did.

23 Q. Let me just finish the
24 question.

25 A. I'm sorry.

REDACTED

1 Q. I have your answer. Let me
2 just finish the question.

3 Do you believe you had?

4 A. I don't believe I have.

5 Again, again, I'm not the
6 census person, so if there is issues
7 related to census, I'm not the first person
8 or even the second or third, fourth, fifth
9 person that I believe the Secretary would
10 call.

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10 Is there anyone the Secretary
11 uses as a close advisor on questions of
12 importance and sensitivity?

13 MS. WELLS: I object to the
14 form.

15 A. Sure, yes.

16 Q. Who are those people?

17 A. Karen Dunn Kelley, Earl
18 Comstock.

19 Q. Anyone else?

20 A. I mean, I would say those are
21 the immediate ones. There is other people.
22 I mean, if it is something related to
23 patents, he would speak to Andre Iancu.
24 There is the Under Secretary Gil Kaplan,
25 Matt Borman.

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16 Q. How about on census, are there
17 people outside of the Commerce Department
18 that the Secretary turns to for advice on
19 either the citizenship question or on the
20 census generally?

21 A. If he goes outside of Commerce,
22 you know, other than, you know, he has
23 spoken to Marc Neumann, but anybody else, I
24 wouldn't know, unless there are other
25 people at the transition that talked to him

REDACTED

1 about it, but I wasn't part of the
2 transition team, so I wouldn't know.

3 Q. If someone -- why Marc Neumann?
4 Let me come back to him.

5 A. Sure. I think as I stated
6 before, Marc Neumann was part of the
7 transition team who used to work at -- I
8 think he worked at Census, so he was the
9 one who would brief the Secretary just on
10 census during the transition.

11 Q. In that summer of 2017 and
12 going to September when we saw those
13 e-mails between you and Assistant Attorney
14 General Gore and the other e-mails on those
15 chains, if someone had come to you then and
16 said Ms. Teramoto, I need -- I have got an
17 important issue that I want to talk to you
18 about regarding adding a citizenship
19 question, who would you have put them in
20 touch with?

21 MS. WELLS: I object to the
22 form.

23 A. Well, I mean, I think I did put
24 them in touch with Izzy Hernandez.

25 Q. And what was his position?

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1 A. He was the deputy chief of
2 staff.

3 Q. Did he have any special, you
4 know, was the census question, citizenship
5 question on the census, was that something
6 that he had particular responsibility for?

7 A. I mean, I don't know. He
8 worked on the census.

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